

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

LIDUVINA SANTIAGO and JAIME SANTIAGO,  Plaintiffs,  v.  THE KROGER CO.,  Defendant.	<b>Civil Action File No.</b>  <hr/> <b><i>Removed from:</i></b> State Court of Gwinnett County Civil Action No. 23-C-01973-S7
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**DEFENDANT THE KROGER CO.’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant The Kroger Co. (hereinafter referred to as “Kroger”) hereby files this notice of removal of this action, and shows this Honorable Court the following:

1.

This civil action was filed by Plaintiffs Liduvina Santiago and Jamie Santiago (the “Plaintiffs”) in the State Court of Gwinnett County, Georgia, said county being part of the Northern District of Georgia, Atlanta Division. N.D. Ga. Local Rule 3.1(A), LR App. A, I. The Atlanta Division of this Court is the proper Division for this removal as further set forth below.

2.

The action is a civil action for personal bodily injuries and medical expenses, and this Court has subject matter jurisdiction by reason of the diversity of citizenship of the parties. 28 U.S.C. §§ 1441, 1332.

3.

The amount in controversy exceeds \$75,000.00, the statutory minimum amount, exclusive of interest and costs, as evidenced by Plaintiffs' Demand Letter dated February 25, 2022 (the "Demand Letter"). A true and correct copy of the Demand letter is attached hereto and incorporated herein by reference as Exhibit A.

4.

At the time of the commencement of this action in the State Court of Gwinnett County, upon information and belief, and according to Plaintiffs' Complaint for Damages, the Plaintiffs were and are now citizens of Georgia.

5.

Kroger, at the time the action was commenced and at the present time, was and still is a corporation, incorporated and existing under and by virtue of the laws of Ohio having its principal place of business in Ohio, and a citizen of Ohio.

6.

The Plaintiff alleges in her Complaint that, due to the negligence of Kroger, she slipped and fell at Kroger's grocery store. (Exhibit. B, Complaint ¶ 1).

7.

True and correct copies of all process, pleadings, and orders served upon Kroger in this action are attached hereto collectively as Exhibit B.

8.

This civil action is based on a controversy between citizens of different states, and as outlined above, the amount in controversy exceeds \$75,000.00. As such, this matter has become ripe for removal based on federal diversity jurisdiction.

9.

The instant *Notice of Removal* is being timely filed pursuant to and in accordance with 28 U.S.C. § 1446(b)(3), within thirty days of the service of Plaintiffs' Complaint.

10.

Further, the instant Notice is timely filed, pursuant to and in accordance with 28 U.S.C. § 1446(c)(1), within one year of the commencement of the action.

11.

Accordingly, this action, over which this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332, is removable to the United States District Court for the Northern District of Georgia, pursuant to 28 U.S.C. § 1441.

12.

Venue is proper in the Atlanta Division of the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1391, and N.D. Ga. Local Rule 3.1(B)(1)(a). Specifically, Plaintiffs' Complaint was filed in the State Court of Gwinnett County, which is part of the Atlanta Division. See N.D.G.A. Local Rule 3.1(A), LR App. A, I.

13.

As required by 28 U.S.C. § 1446(d), Kroger shall give written notice hereof to all adverse parties and shall file a copy of this Petition with the Clerk of the State Court of Gwinnett County.

14.

WHEREFORE, Kroger requests that this action be removed from the State Court of Gwinnett County and proceed in this Court.

Respectfully submitted this the 27th day of April, 2023.

**GRAY, RUST, ST. AMAND,  
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**CERTIFICATE OF SERVICE AND COMPLIANCE WITH L.R. 5.1**

This is to certify that I have this day served the **DEFENDANT THE KROGER CO'S NOTICE OF REMOVAL** upon all counsel of record by electronic mail and/or by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to:

Alfonso Gonzalez, Esq.  
**Law Office of Alfonso Gonzalez, LLC.**  
1770 Indian Trail Road.  
Suite 350  
Norcross, Georgia 30045

This is to further certify that the foregoing complies with the font and point selections approved by the Court in Local Rule 5.1. It is prepared in Times New Roman 14-point font.

Respectfully submitted this the 27th day of April, 2023.

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